

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re M.J., a Person Coming Under the
Juvenile Court Law.

B259602
(Los Angeles County
Super. Ct. No. CK99952)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

LATANYA D.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Annabelle Cortez, Judge. Affirmed.

Christopher R. Booth, under appointment by the Court of Appeal, for Defendant and Appellant.

Mark J. Saladino, County Counsel, Dawyn R. Harrison, Assistant County Counsel, and Sarah Vasecky, Deputy County Counsel, for Plaintiff and Respondent.

Mother Latanya D. appeals from the dependency court's family law exit order granting full physical custody of her daughter, M.J., to M.J.'s father Dewayne J. and limiting mother to monitored visits with M.J. Mother contends she posed no significant risk of detriment to M.J. to justify the court's restrictions on her physical custody and visitation. The trial court considered the evidence and concluded that M.J. was thriving in father's care and that monitored visitation was appropriate under the totality of the circumstances. We find no abuse of discretion and affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Initial Detention & Petition

Mother has two daughters: K.L., born in 1997, and M.J., born in 2006. Because mother does not challenge the court's orders regarding K.L. in this appeal, we focus our discussion primarily on M.J. and the orders relating to her.

The family came to the attention of the Los Angeles County Department of Children and Family Services (DCFS) on June 2, 2013, after mother's arrest for driving under the influence (DUI) with M.J. in the car the previous night. The DUI arrest was mother's second in less than a year; she was still attending a DUI program and was supposed to have an interlock device installed on her car. Neither M.J. nor K.L., whom mother had left alone at a restaurant while she went to get gas with M.J., was physically harmed during either DUI incident. Both girls were released to the care of M.J.'s father, Dewayne J. (father), who was in the process of dissolving his marriage to mother and lived apart from her.¹

On June 11, 2013, DCFS filed a petition for jurisdiction over the children pursuant to Welfare and Institutions Code section 300, subdivisions (a), (b), and (j).² DCFS alleged the children were at risk of harm due to mother's history of DUIs, alcohol and substance abuse, and domestic violence with her ex-boyfriend, Gregory S. The juvenile

¹ Father reported that he raised K.L. as his own daughter since she was three years old. K.L. referred to him as "dad."

² All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

court held a detention hearing the same day. The court detained K.L. and M.J., ordered them placed with father, and granted mother monitored visitation a minimum of two to three times per week for two to three hours per visit. The court ordered family reunification services with respect to K.L., family maintenance services with respect to M.J., counseling for the girls, and weekly drug testing for mother. The court set the matter for a jurisdictional hearing on July 22, 2013.

Investigation & Amended Petition

Mother repeatedly tested positive for opiates codeine and morphine prior to the hearing. A June 4, 2013 test she took as part of her DUI education program indicated that the concentration of codeine in her urine was more than 1000 times the threshold for a positive test, and the concentration of morphine was approximately 137 times the threshold. Mother was unable to explain these “unusually high” results, or the much lower (but still 79 times and 15 times the cutoff levels for codeine and morphine, respectively) positive results on the June 25, 2013 test. Mother admitted a previous addiction to a different opiate, hydrocodone, but stated that she successfully completed a rehabilitation program for that issue two to three years before.

Mother also reported, however, that she suffered from migraine headaches and was prescribed Tylenol with codeine, Topamax (topiramate), and Phenergan (promethazine). Mother reported that she took all of these medications on an “as-needed” basis. Kaiser Permanente records mother later provided to DCFS confirmed that mother was prescribed all three of these medications on April 3, 2013. They also reflected, however, that mother exhibited “[p]oor adherence to recommendations” and was cautioned about “[m]edications overuse headache[s].” The medical records indicated that mother twice told Kaiser medical professionals that Tylenol with codeine “worked better” for her than other medications.

Father told DCFS that he separated from mother due to her substance abuse. He reported that mother’s once-occasional drinking escalated in intensity and frequency during the course of their relationship. He further reported that mother developed an addiction to pain medication after being diagnosed with migraine headaches and

gallstones, and had participated in an inpatient rehabilitation program for hydrocodone addiction two to three years ago. Neither he nor mother reported any concerns with mother's monitored visits with the girls.

K.L. reported to DCFS that she did not often see mother drinking but saw "the aftermath," when mother was "sloppy," could not stand up, and "smell[ed] like alcohol." K.L. reported noticing these behaviors at least every other week, though she also stated in an earlier interview that the June 1, 2013 incident was the first time mother drove while intoxicated. M.J. did not understand the concept of drunkenness but told the DCFS investigator that mother was driving on the night of June 1, 2013. Neither girl said anything about mother's migraines or prescription drug use.

On July 17, 2013, mother tested positive for codeine and morphine. On July 20, 2013, she was arrested for DUI a third time.

The jurisdiction hearing scheduled for July 22, 2013 was taken off calendar and DCFS filed an amended section 300 petition that day. In addition to correcting an error in K.L.'s identifying information, the amended petition amended one of the subdivision (b) allegations to reflect mother's positive drug test for "unusually high levels of Codeine and Morphine" on June 5, 2013.

Mother tested negative for all drugs on August 26, 2013. She tested positive for codeine and morphine on 13 occasions between September 5, 2013 and January 8, 2014. Her November 22, 2013 and December 23, 2013 tests also were positive for hydrocodone, and her December 30, 2013 test was also positive for alcohol.

Mother completed a nine-month-long alcohol and drug abuse program for first-time offenders on November 5, 2013. Due to her additional DUI arrests, however, she was ordered to enroll in and complete an 18-month program as well. Mother enrolled in the program but did not complete a release allowing DCFS access to her progress reports. Mother began parenting classes in July 2013 and successfully completed them in December 2013. She began attending individual therapy sessions in December 2013.

Jurisdiction & Disposition Hearing

The court held a jurisdiction and disposition hearing on January 14, 2014. The court amended and sustained allegations (b-1) (DUI incident), (b-3) (domestic violence incident with Gregory S.), and (b-4) (substance abuse) under section 300, subdivision (b) and allegation (j-1) (DUI incident) under section 300, subdivision (j). The court declared both children dependents. It ordered a suitable placement for K.L. and a home-of-parent placement, with father, for M.J. Mother was permitted to continue her monitored visits, but father was no longer authorized to supervise them. The court ordered family reunification services with respect to K.L. and family maintenance services with respect to M.J. The court ordered mother to participate in individual counseling, parenting classes, and alcohol and drug counseling, and to submit to random drug and alcohol testing. The court further ordered “DCFS to ensure Mother’s prescription drug levels are at appropriate levels.” The court set the matter for a review hearing on July 15, 2014.

Events Between Jurisdiction Hearing & Review Hearing

Mother submitted to 25 drug tests between January 15, 2014 and July 3, 2014. Five of those tests, one in January, one in March, and three in April, were clean. Sixteen were positive for codeine and morphine. Three were positive for codeine, morphine, and hydrocodone, and one was positive for morphine only. As of April 16, 2014, mother had satisfied some of the requirements of her 18-month DUI program but was behind in both participation and payment.

According to a DCFS status report dated July 15, 2014, DCFS received a letter from mother’s primary care physician, Dr. Huy Tu Nguyen of Lakeside Community Healthcare in Covina, on May 5, 2014. According to that letter, dated April 29, 2014, Dr. Nguyen prescribed Tylenol with codeine for mother’s migraines and instructed her to take one tablet every 4-6 hours as needed. DCFS contacted Dr. Nguyen on June 2, 2014 to verify his letter and ask him about the codeine and morphine results on mother’s drug tests. According to the report, “Dr. Nguyen stated that mother’s [urinalysis] tests appear to be a higher rate than he prescribed.” A lab technician at the drug testing laboratory also “confirmed that the mother’s numbers were high for the amount of Tylenol Codeine

mother was prescribed.” However, the lab director later called DCFS to inform DCFS that, if subpoenaed, the lab “would not be able to say for sure that the mother was taking more medication than prescribed; that would be up to her doctor to say.”

Despite mother’s drug test results, DCFS liberalized mother’s visits with K.L. on April 30, 2014 to include three six-hour unmonitored visits per week. Mother’s visits with M.J. remained monitored “because of her age,” eight at that time.

On July 2, 2014, Mother told DCFS that she was “not the same person that you met a year ago.” She further stated that she knew she made mistakes and fully accepted responsibility for her behavior. She reported that she had worked hard in her court-ordered programs and wanted the girls to come home. Mother’s counselor offered similar sentiments in a letter dated July 8, 2014. The counselor closed her letter by stating, “It is my hopes [*sic*] that [mother] is reunited with her children and will be able to continue in counseling to help them adjust to reunification and re-establishing trust and respect in their relationship.”

The school M.J. began attending while living with father reported that M.J. earned a citizenship award and interacted appropriately with her peers at school despite working below grade level. Her teacher described her as a “pleasure to have . . . in class.” DCFS also noted that M.J. was doing better in school than she had in the past and “proudly shows [the social worker] how much better she reads by reading to [the social worker].” DCFS further noted that father read with M.J. and checked her homework daily. M.J. got along well with father, his girlfriend, and his girlfriend’s children. She was excited that father and his girlfriend were expecting a baby. DCFS recommended that the court issue a family law order terminating jurisdiction over M.J. and awarding joint legal custody to mother and father, sole physical custody to father, and monitored visits to mother. DCFS recommended that mother receive an additional six months of reunification services to reunify with K.L. and that K.L.’s case be continued for six months.

Review Hearing

The court held a combined review hearing pursuant to section 366.21, subdivision (e) for K.L. and section 364 for M.J. on July 15, 2014. Mother requested a contested

hearing. She opposed DCFS's recommendations that M.J.'s case be closed and that she be restricted to monitored visitation with M.J. The children's counsel also requested a contested hearing regarding the termination of jurisdiction over M.J. In light of its "ongoing concerns about mother's use of pain medication and her levels," DCFS requested that mother "provide the department with a list of all the doctors that she's been seeing and who have been prescribing medication for her." The court ordered mother to comply with DCFS's request and set the matter for a contested hearing on August 27, 2014.

Events Between Review Hearing & Contested Hearing

According to a last-minute information dated August 27, 2014, the DCFS social worker overheard mother and M.J. talking immediately after the July 15, 2014 hearing. Mother told M.J. that mother thought the girls would come home that day and prepared a welcome-home cake, "lots of new toys and a flat screen TV" for the occasion. M.J. began to cry and asked mother why she could not go home or have her new toys at father's house. Mother told M.J. again that she would get the toys when she came home. Mother also wrote down the date of the contested hearing and told M.J. to count down the days until she came home. The social worker directed mother not to tell M.J. she was going home unless and until the court actually made such an order.

Later that same afternoon, father called DCFS to inquire about a recent overnight visit mother had with both girls at their maternal uncle's house; to his knowledge, overnight visits were not approved. DCFS followed up with the maternal uncle, an approved monitor who monitored the overnight visit. He reported that mother and K.L. told him "it was a weekend celebration for the girls returning to [mother's] custody." DCFS advised him of the approved visitation schedule. DCFS also advised mother that overnight visits were not permitted when it spoke to her a few days later. Mother indicated "she was under the impression that court would have both children to her care." Mother had two successful monitored visits with M.J. at the DCFS office and continued to have monitored visitation with M.J. eight hours each Sunday.

Mother signed an authorization for the release of her medical records on July 21, 2014. No additional medical reports aside from mother's drug test results appear in the record, however. In the six weeks between the July 15, 2014 review hearing and the contested hearing scheduled for August 27, mother was called to take four drug tests. She failed to appear for one, tested positive for codeine and morphine on two, and tested positive for codeine, morphine, and hydrocodone on one. According to DCFS, Mother's August 5, 2014 test results for codeine and morphine were within a normal range "considering her prescription."

On August 22, 2014, father emailed DCFS to "express [his] concerns" about mother's desire for unmonitored visits with M.J. He opined that eight-year-old M.J. "can easily be manipulated, especially by her mother," and "doesn't know how to determine the dangers of being with her mother who may be under the influence of a substance/alcohol."

The joint section 366.21, subdivision (e) (for K.L.) and section 364 (for M.J.) contested hearing scheduled for August 27, 2014 was rescheduled to October 9, 2014 to accommodate the illness of the DCFS attorney handling the case. Mother took two additional drug tests during the continuance, on September 11 and September 26. Both tests were positive for codeine and morphine at levels more than 10 times above those DCFS indicated were "normal" in light of mother's prescriptions. However, as of October 7, 2014, mother was in full compliance with the requirements of her 18-month DUI program. In a last-minute information filed October 9, 2014, DCFS advised the court that mother had eight two-hour, DCFS-monitored visits with M.J. between August 14, 2014 and October 2, 2014. Mother also had eight-hour monitored visits with M.J. every Sunday. In a last-minute information dated October 9, 2014, DCFS reiterated its recommendations that the court terminate jurisdiction over M.J. and issue a family law order granting joint legal custody to mother and father, sole physical custody to father, and monitored visitation to mother.

Contested Review Hearing

DCFS's Evidence

The contested hearing took place as rescheduled on October 9 and October 10, 2014. The court admitted into evidence DCFS's July 15, 2014 status report, August 27, 2014 last-minute information, and its October 9, 2014 last-minute information and accompanying documents. The court also admitted the report documenting mother's recent compliance with her DUI program requirements.

DCFS called social worker Connie Amstone as its only witness. Amstone testified that she had been a DCFS social worker for 17 years and had been assigned to this case since June 2013.

On cross-examination by mother's attorney, Amstone testified that she believed mother was taking more medication than her doctors prescribed. Amstone testified she reached this conclusion after speaking to people at Dr. Nguyen's office and at the drug testing laboratory. Amstone further testified that mother told her that she sometimes takes more medication "than usual" because she is in a lot of pain and had been in the hospital recently. Amstone conceded that mother would "always have a positive test" if she took her medications as prescribed (a course of action she said DCFS supported), but emphasized that DCFS was concerned about the levels of drugs showing up in her tests. Amstone reiterated her earlier testimony that, "according to her doctor, it was above the level." Amstone testified that she and other DCFS workers were taught to read the results the drug testing lab sent them. However, she described the training as "minimal" and said she was "not a drug person" or a "lab person."

Amstone explained that the reason M.J.'s visits were monitored while K.L.'s were not was the age difference between the girls. "One child is seventeen, almost grown, and the other one is eight years old, and a very young acting eight-year-old." Amstone also testified that mother behaved inappropriately after the last hearing by telling M.J. that she would be coming home and receiving gifts when she did. Aside from mother's "high level of drugs and her missed test," however, Amstone did not have any other safety concerns about mother's drug use as far as M.J.'s visits were concerned.

On redirect, Amstone testified that she was concerned about mother having unmonitored visits with M.J. because of mother's substance abuse. Amstone was unable to explore the extent of mother's substance abuse because mother only recently signed a medical release that allowed DCFS to speak to her doctors, only provided Amstone with the prescriptions from one of her three doctors, Dr. Nguyen, and did not comply with Amstone's request to obtain letters from her doctors verifying her diagnoses and prescriptions. Amstone also expressed concerns about mother's "judgment," including her promises to the children that they would be coming home. Amstone stated that mother made such promises "at every hearing" and that M.J. became sad, angry, and disappointed when mother's promises did not come true. Amstone further stated that over the past 6-8 months, mother made approximately eight claims that father was failing to provide proper food for M.J. When Amstone investigated those claims, she invariably found "an abundance of food" at the house. Mother also stayed with the girls while they were on an overnight visit with her brother, an approved monitor. Mother did not tell DCFS about the unauthorized visit; Amstone learned about it when a pair of mother's underwear was found in M.J.'s belongings upon her return to father's house. Amstone did not have any concerns about M.J. residing in her father's home.

On recross-examination by mother's counsel, Amstone conceded she received a letter from Dr. Nguyen in April 2014. She further conceded that mother had "a few" negative drug tests during the pendency of the proceedings. Amstone agreed with mother's counsel that mother told her she takes more medication when she has more intense pain. Amstone also admitted that DCFS liberalized mother's visits with K.L. notwithstanding its concerns about mother.

Mother's Evidence

Mother took the stand on her own behalf. Mother testified that she has suffered from migraines since she was 14 and gets the headaches approximately 21 days each

month. She testified that she began seeing her latest doctor, Dr. Fahrez,³ at the end of April 2014. Dr. Nguyen was her doctor prior to that, and he prescribed her Tylenol 3 (Tylenol with codeine), Topamax, and promethazine for her migraines and associated nausea. She was hospitalized six times since January 2014, for bowel obstructions and mild strokes. She did not advise DCFS of all of the hospitalizations but told Amstone she had documentation demonstrating the stays. According to mother, she could not have spent the night with M.J. and K.L. at her brother's house because she was in the hospital that weekend.

Mother explained that she takes her migraine headache medication "as needed," up to four Tylenols with codeine in a 24-hour period. Mother also testified that she had explored alternatives to Tylenol with codeine, including Imitrex, Amerge, and Botox injections. Mother asked "a doctor" about why she was testing positive for morphine despite not taking any, and "they said sometimes it can come up that way, even if you're not taking any." Mother admitted that she saw a third doctor in addition to Drs. Nguyen and Fahrez, Dr. Kundi, but testified she only saw him one time. She denied that she was "doctor shopping," or seeing multiple doctors at once to obtain multiple prescriptions for medication.

During cross-examination by father's counsel, mother denied taking morphine or having a prescription for medication that contained morphine. She testified that Dr. Fahrez prescribed and she was currently taking Tylenol 3, propranolol, promethazine, and Botox injections. Mother denied taking Tylenol with codeine every time she got a migraine. She explained that the only time she used Tylenol with codeine was when her daily medications did not provide relief, maybe 10 times per month. Mother stated that she did not take any medication in front of M.J. or when she was with M.J. The only medication she used when caring for M.J. was propranolol. She did not need to take her anti-nausea medication, promethazine, or the Tylenol with codeine when M.J. was with her because she did not get nausea or severe headaches during those times.

³ Dr. Fahrez's name is actually Dr. Alfahrez. Mother (and everyone else) referred to him as Dr. Fahrez at the hearing.

On cross-examination by the children's counsel, mother attributed her positive drug tests for codeine to her Tylenol usage. She stated that she now sees a neurologist, Dr. Fahrez, and discussed her drug test results with him. She did not testify about the contents of any such conversation. Mother also explained that she saw Dr. Nguyen, a family practitioner, only for three months. He referred her to neurologist Dr. Kundi. Dr. Kundi prescribed Depakote for her migraines, but mother did not think the Depakote was effective. When mother told Dr. Nguyen that Dr. Kundi's treatment was unsuccessful, he referred her to Dr. Fahrez instead.

Mother further testified, during cross-examination by DCFS, that both Drs. Nguyen and Fahrez prescribed her Tylenol with codeine. Dr. Kundi, the first neurologist she saw, did not prescribe her any opiates. During two of her recent hospital stays, in May 2014 and September 2014, she received morphine through an I.V. to alleviate pain associated with bowel obstructions. She did not advise DCFS of her hospitalizations or her ingestion of morphine during them. She did not miss any visits with M.J. because the monitor brought M.J. to the hospital. Mother testified that she never told Amstone that she took more medication than her doctors prescribed. The last time she took more medication than she was prescribed was in 2007 or 2008.

Arguments

All parties rested after mother's testimony. DCFS argued that mother had made no progress with regard to her substance abuse during the proceedings. The levels of codeine and morphine present in almost all of her urine tests remained "incredibly high," and mother had no explanation for the positive hydrocodone results. In light of those results and mother's missed test, DCFS "believe[d] that that risk exists, that [M.J.] needs to continue to have monitored visits." DCFS further contended that M.J. lacked the ability to protect herself or assess mother's capacity. Counsel for the children joined DCFS's arguments. She added that the evidence suggested that mother was "doctor shopping" and taking more Tylenol with codeine than necessary. Father's counsel joined these arguments. He further requested that the court close M.J.'s case and release her to his care.

Mother's counsel requested that both girls be returned to mother's custody, with services in place. She argued that mother "significantly complied with her case plan" and was exploring non-opiate migraine treatments like Botox in an effort to eliminate any concern about her ability to care for the girls. Mother's counsel further contended that social worker Amstone did not treat mother fairly and was not qualified to interpret mother's drug test results.

Findings & Ruling

The court found that the conditions that justified the initial assumption of jurisdiction over M.J. no longer existed and were not likely to exist if supervision was withdrawn. The court noted that M.J. "continues to thrive in [father's] care, and there are no concerns with respect to safety concerns." The court accordingly terminated dependency jurisdiction over M.J. It awarded joint legal custody to mother and father, but granted sole physical custody to father. The court granted mother monitored visitation, one two-to-three hour visit during the week and an eight-hour visit every Sunday. "With respect to the - - the basis for the monitored visitation," the court adopted the facts asserted by DCFS and children's counsel and found, based on the totality of the circumstances, including M.J.'s age, that monitored visits were appropriate. The court also noted that it found Amstone very credible but had some concerns about the veracity of mother's testimony. The court further stated that it was "still not in a position . . . to confirm mother's position that the medication she's taking is consistent with what's been prescribed." The court was particularly concerned by mother's positive test results for morphine and hydrocodone.

Mother timely appealed the court's custody and visitation orders concerning M.J.

DISCUSSION

I. Standard of Review

A juvenile court's orders regarding custody and visitation will not be disturbed on appeal absent an abuse of discretion. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318; *In re John W.* (1996) 41 Cal.App.4th 961, 973.) "The appropriate test for abuse of discretion is whether the trial court exceeded the bounds of reason. When two or more inferences

can reasonably be deduced from the facts, the reviewing court has no authority to substitute its decision for that of the trial court.’” (*In re Stephanie M.*, *supra*, 7 Cal.4th at pp. 318-319.)

II. Analysis

Mother contends that the juvenile court abused its discretion by granting father full physical custody of M.J. She argues that she complied with the case plan and that M.J. was not at significant risk of detriment in her care. Citing *In re Randalynne* (2002) 97 Cal.App.4th 1156, 1169, disapproved on other grounds in *In re S.B.* (2004) 32 Cal.4th 1287, for the proposition that “[w]hat is in the best interests of the child is essentially the same as that which is not detrimental to the child,” she contends that the dependency court was compelled to conclude that she posed an insufficient risk of detriment to M.J.’s wellbeing to justify denying her physical custody of M.J. We disagree.

“‘When the juvenile court terminates its jurisdiction over a dependent child, section 362.4 authorizes it to make custody and visitation orders that will be transferred to an existing family court file and remain in effect until modified or terminated by the superior court.’” (*In re Chantal S.* (1996) 13 Cal.4th 196, 203 quoting *In re Roger S.* (1992) 4 Cal.App.4th 25, 30.) In making such orders, the dependency court’s primary concern must be a determination of “what would best serve and protect the child’s interest.” (*In re Gabriel L.* (2009) 172 Cal.App.4th 644, 652; see also *In re Nicholas H.* (2003) 112 Cal.App.4th 251, 268.) “The juvenile court has a special responsibility to the child as *parens patriae* and must look to the totality of a child’s circumstances when making decisions regarding the child. [Citation.]” (*In re Chantal S.*, *supra*, 13 Cal.4th at p. 201.) “Furthermore, the court is not restrained by ‘any preferences or presumptions.’ [Citations.] Thus, for example, a finding that neither parent poses any danger to the child does not mean that both are equally entitled to half custody, since joint physical custody may not be in the child’s best interests for a variety of reasons. [Citation.] By the same token, a finding that the parent from whom custody was removed no longer poses a risk of detriment or that the parent whose custody has been subject to supervision no longer

requires supervision is relevant to, but not necessarily determinative of, the best interests of the child.” (*In re Nicholas H.*, *supra*, 112 Cal.App.4th at p. 268.)

Here, the juvenile court found that M.J. was “thriv[ing]” in father’s care. This finding was supported by substantial evidence: DCFS’s reports and the reports from M.J.’s new school demonstrated that M.J. was doing better in school since being placed with father and was getting along well with her father and his girlfriend’s children. DCFS social worker Amstone, whom the court found credible, also testified that she observed M.J. emerge from her monitored interactions with mother “sad and angry,” and “disappointed” because mother made promises that did not materialize. On this evidence, the court was well within its discretion to conclude that living with father full-time rather than dividing her time between mother’s home and father’s home was in M.J.’s best interests. Put another way, the court had the discretion to conclude that living with mother posed a risk of detriment to M.J. and her wellbeing.

Mother emphasizes that she made great strides during the dependency proceedings. Her last DUI incident was in July 2013, she has not been involved in any domestic violence incidents, and her therapist reported that she has acknowledged and taken responsibility for her actions and lapses of judgment. The court recognized these positive developments, and we commend them as well. Nonetheless, we cannot conclude the juvenile court abused its discretion by according this evidence less weight than other, less favorable evidence in the record.

Mother disregarded the court’s orders regarding overnight visitation and other contact with the girls. She inexplicably (and repeatedly) tested positive for hydrocodone, a substance to which she admitted she previously was addicted and which was not currently prescribed. She failed to appear for one of her most recent drug tests. The record supported the inference that she engaged in “doctor shopping” by visiting multiple doctors and leaving a doctor’s care when he did not prescribe opiates to her. It also supported the inference that mother took more Tylenol with codeine than she was prescribed. It was not error for the court to conclude it was in the best interests of M.J., a “very young acting eight-year-old” who did not understand the concept of inebriation and

was susceptible to manipulation, to live with father and engage only in monitored visitation with mother. Although mother testified that she never needed or used Tylenol with codeine in M.J.'s presence, the juvenile court had "some concerns about the veracity of the testimony" she provided. We cannot and do not disturb the court's credibility findings, reasonable inferences (*In re Alexis E.* (2009) 171 Cal.App.4th 438, 451), or its reasonable family law exit order.

DISPOSITION

The order of the juvenile court is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

COLLINS, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.